

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**CASSANDRA ALEXANDER and EDD
ALEXANDER,**

Plaintiffs,

-against-

**THE CITY OF NEW YORK, SGT.
DAMON MARTIN; SGT. JAMES
PRIORE; OFFICER MANNY SHARMA;
and OFFICER DOES 1–5,**

Defendants.

Dkt. No. 21-CV-5816

DECLARATION OF ROB RICKNER

Rob Rickner, an attorney duly admitted to practice in the Courts of New York and this Court, declares the following under the penalties of perjury:

1. I am counsel for Plaintiffs Cassandra and Edd Alexander and am familiar with the facts described herein, and in all supporting papers related to the above-captioned matter.
2. I submit this declaration in support of Plaintiffs' Motion for Partial Summary Judgment on their Fourth Amendment claims.
3. Plaintiffs' exhibits attached hereto are cited as "Pl.Ex. [x]."
4. Exhibits containing multiple pages are pin cited in Plaintiffs' 56.1 Statement by the PDF pagination.
5. Exhibits containing deposition testimony are pin cited in Plaintiffs' 56.1 Statement by page and line number, separated by a colon.
6. Exhibits containing body-worn camera and other video are pin cited in Plaintiffs' 56.1 Statement according to the red timestamp embedded on the video.

PLAINTIFFS' EXHIBIT DESCRIPTIONS

7. Attached as Plaintiff's Exhibit 1 is a true and accurate excerpt of Plaintiff Cassandra Alexander's November 4, 2022 deposition testimony.
8. Attached as Plaintiff's Exhibit 2 is a true and accurate excerpt of Plaintiff Edd Alexander's November 7, 2022 deposition testimony.
9. Attached as Plaintiff's Exhibit 3 is a true and accurate copy of the November 9, 2022 deposition testimony of Defendant Sgt. James Priore.
10. Attached as Plaintiff's Exhibit 4 is a true and accurate copy of the November 10, 2022 deposition testimony of Defendant Detective Manny Sharma.
11. Attached as Plaintiff's Exhibit 5 is a true and accurate copy of the November 14, 2022 deposition testimony of Defendant and former NYPD Sgt. Damon Martin.
12. Attached as Plaintiff's Exhibit 6 is a true and accurate copy of the relevant pages from Defendant Priore's NYPD memobook.
13. Attached as Plaintiff's Exhibit 7 is a true and accurate copy of the relevant pages from Defendant Sharma's NYPD memobook.
14. Attached as Plaintiff's Exhibit 8 is a true and accurate copy of the relevant pages from Defendant Martin's NYPD memobook.
15. Attached as Plaintiff's Exhibit 9 is a true and accurate recording of the 911 call made by Plaintiff Cassandra Alexander on February 5, 2019.
16. Attached as Plaintiff's Exhibit 10 is a true and accurate recording of the 911 call made by Octavia Miller-Griffith on February 5, 2019.
17. Attached as Plaintiff's Exhibit 11 is a true and accurate copy of the February 7, 2019 domestic violence report filled in by Defendant Sharma and Octavia Miller-Griffith.

18. Attached as Plaintiff's Exhibit 12 is a true and accurate copy of Defendant Priore's body-worn camera footage from the February 7, 2019 entry into Plaintiffs' Residence.

19. Attached as Plaintiff's Exhibit 13 is a true and accurate copy of copy of Defendant Sharma's body-worn camera footage from the February 7, 2019 entry into Plaintiffs' Residence.

20. Attached as Plaintiff's Exhibit 14 is a true and accurate copy of a non-party NYPD officer's body-worn camera footage from the February 7, 2019 entry into Plaintiffs' Residence.

21. Attached as Plaintiff's Exhibit 15 is a true and accurate copy of Defendant Sharma's body-worn camera footage from the February 7, 2019 search of Plaintiffs' Residence.

22. Attached as Plaintiff's Exhibit 16 is a true and accurate copy of Defendant Priore's body-worn camera footage from the February 7, 2019 search of Plaintiffs' Residence.

23. Attached as Plaintiff's Exhibit 17 is a true and accurate copy of additional body-worn camera footage from the February 7, 2019 search of Plaintiffs' Residence.

24. Attached as Plaintiff's Exhibit 18 is a true and accurate copy of Defendant Sharma's body-worn camera footage depicting their second entry on February 7 for purposes of recording and collecting evidence, after Plaintiffs were removed from the residence and taken downstairs.

25. Attached as Plaintiff's Exhibit 19 is a true and accurate copy of Defendant Priore's body-worn camera footage depicting their second entry on February 7 for purposes of recording and collecting evidence, after Plaintiffs were removed from the residence and taken downstairs.

26. Attached as Plaintiff's Exhibit 20 is true and accurate cell phone footage taken by Cassandra upon her return to the Residence post-arrangement.

27. Attached as Plaintiff's Exhibit 21 is a true and accurate copy of the domestic violence report created by Defendant Sharma and Miller-Griffith on February 7, 2019.

28. Attached as Plaintiff's Exhibit 22 is the November 16, 2022 sworn affidavit of Assistant District Attorney Robert Kaftal, with a true and accurate copy of the search warrant application affixed thereto.

29. Attached as Plaintiff's Exhibit 23 is a true and accurate court transcript of the February 8, 2019 proceedings in support of the search warrant.

30. Attached as Plaintiff's Exhibit 24 are true and accurate copies of Plaintiffs' "OLPA," or arrest tracking document, showing the length of time Plaintiffs remained in custody.

31. Attached as Plaintiff's Exhibit 25 is a true and accurate copy of email communications between Defendant Sharma and ADA Benjamin concerning Plaintiffs' arrest.

32. Attached as Plaintiff's Exhibit 26 is the November 18, 2022 sworn affidavit of Assistant District Attorney Tatiana Benjamin, with a copy of the complaint screening room sheet she completed with Defendant Sharma attached thereto.

33. Attached as Plaintiff's Exhibit 27 is a true and accurate copy of the criminal complaint for Cassandra.

34. Attached as Plaintiff's Exhibit 28 is a true and accurate transcript of the February 9, 2019 arraignment of Cassandra.

35. Attached as Plaintiff's Exhibit 29 is a true and accurate copy of Cassandra's Certificate of Dismissal of all charges against her arising from this incident.

36. Attached as Plaintiff's Exhibit 30 is a true and accurate copy of the criminal complaint for Edd.

37. Attached as Plaintiff's Exhibit 31 is a true and accurate transcript of the November 7, 2019 proceeding in which all charges against Edd were dismissed.

38. Attached as Plaintiff's Exhibit 32 is a true and accurate copy of Edd's Certificate of Dismissal of all charges against her arising from this incident.

39. Attached as Plaintiff's Exhibit 33 is a is a true and accurate copy of the August 28, 2020 letter to Cassandra from the Civilian Complaint Review Board ("CCRB") alerting her to the fact that they issued a penalty of "retire" against Defendant Martin.

40. Attached as Plaintiff's Exhibit 34 is a is a true and accurate copy of a CCRB memorandum describing a similar unlawful entry Martin committed on June 12, 2018.

41. Attached as Plaintiff's Exhibit 35 is a is a true and accurate screen shot of the 75th Precinct's Twitter post from June 26, 2020, announcing Defendant Martin's retirement.

42. Attached as Plaintiff's Exhibit 36 is a is a true and accurate copy of the First Amendment Complaint filed in this action on April 1, 2022 (Dkt. 15).

43. Attached as Plaintiff's Exhibit 37 is a is a true and accurate copy of Defendants' Answer to the First Amended Complaint, filed April 12, 2022 (Dkt. 16).

Dated: New York, New York
January 9, 2023

/s/ _____

Rob Rickner, Esq.